

VOL. I
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EXHIBITS 83-97

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 03-12589-GAO

M2 CONSULTING, INC.
Plaintiff

vs.

MRO SOFTWARE, INC.
Defendant

DEPOSITION OF **JASON SCOTT KASPER**, taken on behalf of the plaintiff, pursuant to the Federal Rules of Civil Procedure, before Irma Widomski, Registered Merit Reporter, Certified Shorthand Reporter, No. 016512 and Notary Public, in and for the Commonwealth of Massachusetts, at Gesmer UpdeGrove, LLP, 40 Broad Street, Boston, Massachusetts, on Tuesday, November 22, 2005, commencing at 10:00 a.m.

SHEA COURT REPORTING SERVICES
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BOSTON, MA 02108-2408
(617) 227-3097

1 A. No.

2 Q. Did you stay in Atlanta or did you fly back the
3 next day or that evening?

4 A. I flew back that evening.

5 Q. Do you recall anything after the meeting? By
6 that I mean after Mr. Bevington finished his
7 presentation, did you overhear any discussions
8 between Mr. Miciek and any of his salespeople
9 about M2?

10 A. I don't recall.

11 Q. Did Mr. Miciek say anything to you after the
12 meeting about M2?

13 A. I don't recall.

14 Q. Did you talk to Mr. Miciek about how the meeting
15 went?

16 A. I don't recall.

17 Q. I apologize, I mispronounce his name every time.
18 During this time period, were you working out of
19 MRO's office in Bedford?

20 A. Yes.

21 Q. So after you returned to Massachusetts when this
22 meeting was over, what was the next thing you
23 did in connection with M2 that you remember?

24 A. We wanted to create a document that further

1 described M2's partnership value and send that
2 to sales, the entire sales force.

3 Q. Why did you want to do that?

4 A. In the event there was an opportunity that other
5 sales groups in North America had that warranted
6 hosting.

7 Q. And you wanted them to have something that they
8 could refer to about M2?

9 A. Yes, basically a document that described the
10 relationship.

11 Q. Whose idea was it to create this document and
12 send it to the rest of the sales force? Was
13 this an idea that originated at MRO or did this
14 come from Mr. Bevington?

15 MR. BRATTEN: Objection.

16 A. It was a standard partnership procedure by MRO
17 Software.

18 Q. And who was assigned the task of preparing this
19 document?

20 A. It was a joint effort between M2, Tom Schulte
21 and myself and Joe Leone.

22 Q. And did you begin work on this document?

23 A. Tom Schulte led the creation of the document.

24 Q. Did you look at it as it was being created?

1 A. Yes.

2 Q. Did he send drafting back and forth to you to
3 look at?

4 A. Yes.

5 (Exhibit 83 marked for identification.)

6 Q. When did Mr. Schulte first start sending you
7 drafts of this description of M2 that was to go
8 to the whole sales force?

9 A. It was after our January 25 meeting, winter time
10 frame still.

11 Q. Was this document ever finished, finalized?

12 A. Yes.

13 Q. How long did it take to finish and finalize it?

14 A. I believe two months, two to three months.

15 Q. And was the document distributed to the rest of
16 MRO's sales force?

17 A. Yes.

18 Q. When?

19 A. I do not recall.

20 Q. How was it distributed to the sales force?

21 A. Through e-mail.

22 Q. As an attachment to an e-mail?

23 A. Yes.

24 Q. I want to show you what we have marked as